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June 12, 2007

**Re: *Waters v. Ayer, et al.***

Dear Mr. Corbo,

Thank you for producing the *Monell* discovery as ordered by the Court. Several of the daily log pages are illegible though. I imagine they are the lighter copies of those you produced; we are in the process of having them scanned and bates-stamped. We will forward you bates numbers and copies of the illegible pages so you can forward legible copies as soon as possible so we can forward them to our experts.

Please confirm whether the Ayer PD has any Downing records responsive to Judge Dein's order. We were surprised at the lack of even any internal investigation records pertaining to the charges against him.

In addition, given that you were able to produce daily logs from other cases in 1981, in the midst of the Brow investigation, we have a good-faith basis to believe you are in custody and control of daily log entries pertaining to the Brow investigation, which as you know continued from 5/21/1980 through Mr. Waters's conviction on 5/11/83. These entries were requested in our initial demands for "any and all documents pertaining to the investigation of the May 21, 1980 murder of Katherina Reitz Brow, including without limitation, the complete files of the APD... evidence logs; investigative reports and supplements; notes; memobooks and logbooks...." (Plaintiff's First RFP, #1, April 1, 2005.) Please let us know whether you will produce these logs or whether we need to file a motion with Judge Dein.

Finally, in light of these recent disclosures and Mr. Boisseau's second deposition, which will take some time to transcribe, we are considering asking for more time for those of our expert reports that will rely on this new information. Please advise whether you are amenable to a 3-

week adjournment of our July 2 expert deadline for that category of reports or whether we need to file a disputed motion with the Court.

Thank you for your assistance.

Sincerely,  
  
Deborah L. Cornwall

cc: Rob Feldman  
Jay Tehan (via email only)  
Jeffrey T. Blake (via email only)  
Janelle Austin (via email only)